

**REMARKS**

Claims 2-17 and 19-34 are pending in the case. In the Office Action dated February 17, 2005, Claims 2, 4-17, and 19-32 were allowed; dependent Claim 3 was objected to on an antecedent basis ground; and dependent Claims 33-24 were rejected under 35 USC § 112, first paragraph, for allegedly introducing new matter into the application.

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On April 14, 2005, Applicant's counsel conducted a telephone interview with the Examiner in which the 35 USC § 112, first paragraph, rejection was discussed along with the support in the specification for the claimed subject matter. No agreement, however, was reached with respect to the claims of the present application.

The Office is respectfully requested to reconsider the objection and rejections presented in the outstanding Office Action in light of the following remarks.

Claim 3 has been rewritten to obviate the antecedent basis objection. Thus it is respectfully submitted Claim 3 is now in condition for allowance. Applicant intends no change in the scope of the claim by the change made by this amendment. It should also be noted this amendment is not in acquiescence of the Office's position on allowability of the claim, but merely to expedite prosecution.

Dependent Claims 33-34 both recite "said photographic apparatus and said detection device are combined in a single, integral device" and stand rejected under 35

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USC § 112, first paragraph, as introducing new matter into the application. In making this rejection, the Office makes various comments with respect to the positioning of the detection device and photographic unit/apparatus shown in Fig. 1 (*Office Action* at 2). It should be noted, however, that the drawing merely illustrates one embodiment of the present invention. Indeed, the present invention broadly contemplates a system and method that obtains a photographic image of an individual attempting to disengage an ignition interlock device. (Page 3, lines 9-11) The specification provides, *inter alia*, that "said photographic apparatus and said means for storing photographic images are combined in a single, integral device" (see Original Claim 6); states that "[i]nterlock device 104 preferably includes a breathalyzer 106" (Page 5, line 9); discusses "inclusion of a photographic apparatus in an ignition interlock device" (Page 9, lines 13-14); and states "the photographic apparatus 110 will be preferably mounted in such a manner as to obtain a good view of an individual in the position at which the breathalyzer test is being taken" (Page 6, lines 7-9). As such, it is respectfully submit there is support throughout the specification for the subject matter of Claims 33-34, e.g., combining the photographic apparatus and detection device in a single, integral device, and this rejection should be withdrawn.

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In summary, it is respectfully submitted that the instant application, including Claims 2-17 and 19-34, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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